

mcDSF
1,9,2



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
ENVIRONMENTAL CLEANUP

JUN 20 2012

SUBJECT: Action Memorandum for the McCuthchen Containers Dump Emergency Response, Seattle, King County, Washington

FROM: Angelica Zavala, Federal On-Scene Coordinator
Emergency Response Unit

A handwritten signature in black ink, likely belonging to Angelica Zavala, written over the "FROM:" line.

TO: Calvin Terada, Manager
Emergency Response Unit

A handwritten signature in black ink, likely belonging to Calvin Terada, written over the "TO:" line.

I. Purpose

The purpose of this memorandum is to document the decision to initiate the emergency response action described herein for the McCuthchen Containers Dump Emergency Response which occurred in Seattle, King County, Washington.

II. Site Information

A. Site Description

Site Name: McCuthchen Containers Dump

Superfund Site ID (SSID): 10LH

NRC Case Number: N/A

ERNS Number: 633662

CERCLIS Number: WAN001003042.

Site Location: 3619 7th Avenue South in Seattle, Washington
County: King

Lat/Long: Latitude: 47.5707858 Longitude: -122.3239897

Potentially Responsible Party (PRP): Unknown

Access: Unrestricted

NPL Status: not listed nor proposed for listing

Removal Start Date: May 2, 2012

Removal Completion Date: May 3, 2012

USEPA SF



1373999

B. Site Background

1. Removal Site Evaluation

Late on the evening of May 1, 2012, two persons were observed surreptitiously disposing more than a dozen various sized containers at 3619 7th Avenue South Seattle, Washington (Site). The only information provided by the witness was that there were two people in a green pickup truck.

On May 2, 2012, an adjoining property owner notified the Washington Department of Ecology (Ecology) that the containers had been abandoned on his property. Ecology requested the assistance of the U.S. Environmental Protection Agency to identify and dispose of the unknown materials because they did not have the resources to conduct this job in a timely matter.

2. Physical location and Site characteristics

The Site, in south Seattle, is located in a primarily industrial area scattered with predominantly low income multi-person residential complexes. In a one mile radius of the Site, the population is 6861 persons. The containers were dumped in the south corner of the public parking of the McCuthchen property. The Site is open and available to the public. A storm water drain is located nearby.

3. Release or threatened release into the environment of a hazardous substance, pollutant or contaminant

Given the abandonment of the various sized containers filled with hazardous materials such as paint waste, muriatic acid, ethylene glycol (aka anti-freeze), the questionable structural integrity of the containers, and the proximity of the containers to the storm water drain, the EPA determined the containers posed a potential imminent and substantial threat to human health and the environment if an uncontrolled release of the contents of one or more containers were to occur.

III. Threats to Public Health Welfare or the Environment

A. Nature of Actual or Threatened Release of Hazardous Substances, Pollutants or Contaminants.

The containers were abandoned on private property near a public roadway. If the containers were to leak or become damaged or tampered with, this could result in the release of unknown hazardous substances, pollutants, or contaminants. If such a release were to occur the public health, or welfare, or the environment would be threatened.

B. Applicable factors (from 40 CFR 300.415) which were considered in determining the appropriateness of a removal action:

1. Actual or potential exposure to nearby human populations (people living and working at immediate proximity), animals or the food chain from hazardous substances or pollutants or contaminants [300.415(b) (2) (i)].

The public could have been exposed to unknown hazardous substances, pollutants, or contaminants. If the abandoned containers were to have leaked or were opened, the severity of health effects would depend on the contents and the route of exposure, the dose, and the duration of exposure.

Based on a field hazard assessment of the abandoned containers, the contents were determined to include:

- Muriatic Acid, which is highly corrosive and hazardous in case of inhalation and dermal exposure;
- Anti-freeze, which is toxic in case of ingestion;
- Used paints waste, which are combustible material, toxic in case of inhalation or ingestion, and/or corrosive in case of dermal exposure.

3. Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release [300.415(b) (2) (iii)].

The containers were abandoned in the out-of-doors on private property near a public roadway. The structural integrity of the containers was unknown, as well as the suitability of the containers for storage of the substances found therein was unknown. If the containers were to leak or become damaged or tampered with, this could result in the release of unknown hazardous substances, pollutants, or contaminants. If such a release were to occur, neighboring or the public would be threatened, as well as the environment due to the close proximity of the storm drain.

4. The availability of other appropriate federal or state response mechanisms to respond to the release [300.415(b) (2) (vii)].

Ecology requested EPA assistance because it was not capable of providing the appropriate resources in a prompt manner needed to address the actual or potential human health or ecological risks associated with the materials.

IV. Selected Removal Action and Estimated Costs

A. Situation and Removal Activities to Date

1. Current Situation

The emergency removal action started on May 2, 2012, and completed on May 3, 2012. START transported all but the paint waste container to a King County Household Hazardous Waste facility; the paint wastes were solidified and disposed of by START at the South Seattle Household Hazardous Waste Collection Facility as solid waste under direction of the King County Solid Waste Division.

2. Removal activities to date

There are no ongoing removal actions.

3. Enforcement

No enforcement action under the Comprehensive Environmental Response, Compensation, and Liability Act Section 106 or Section 107 is anticipated in response to this incident because the containers were abandoned by unidentified persons and the costs likely associated with identifying a potentially responsible party and pursuing cost recovery are disproportionate to the effort to do so by the EPA.

B. Removal Action

1. Description

The Phone Duty Officer, in consultation with the Emergency Response Unit Manager, Calvin Terada, mobilized the EPA to the 3619 7th Avenue South in Seattle, Washington. The EPA's On-Scene Coordinator Angie Zavala, and START arrived to the site which was in an open to the publicly accessible parking area and in a level D personal protective clothing proceeded to visually assess the structural integrity of the containers and verified that no leakage was occurring. However, some containers were open to the air and some lacked labels. The following containers were identified:

1. Five (5) 1-gallon metal paint cans
2. One (1) 1-gallon plastic jug of used motor oil
3. One (1) 1-gallon plastic jug of used hydraulic oil
4. One (1) 1-gallon plastic jug of antifreeze
5. One (1) 1-gallon plastic jug of muriatic acid
6. Two (2) 5-gallon plastic buckets containing used motor oil
7. One (1) 5-gallon plastic bucket containing used paint
8. One (1) 5-gallon plastic bucket of joint compound constituents

These materials were classified as hazardous materials by the EPA based on the characteristic they showed including corrosive, toxic, and combustible/flammable.

While conducting the assessment, OSC Zavala was approached by an individual who claimed that he saw two persons in a green truck dumping the containers the night of May 1, 2012.

After the assessment, Seattle Public Utilities Spill Response was contacted by OSC Zavala to determine if city services could dispose of the waste. SPU Spill Respondent arrived at the site and discussed potential city actions to dispose of the waste with OSC Zavala. The spill respondent stated they did not have the capability to remove the materials at that time; in addition, he was not sure if the site was private property or if it was in his jurisdiction. However, he said that he would check with the spill response program manager first thing in the morning to see if they had any other mechanism to remove the containers. The materials were segregated, over packed, staged, and secured in the area by START.

On the morning of May 3, the SPU spill respondent contacted OSC Zavala to inform her that his program could not remove the containers. He found out that the containers were on a property belonging to someone other than the person who notified Ecology. SPU made an unsuccessful attempt to notify the property owner. Since no other agency could conduct the removal, the EPA made the arrangements to dispose of the containers. The containers were disposed of by START on May 3 at the South Seattle Household Hazardous Waste Collection Facility, under the King County Household Hazardous Waste Program, except the paint wastes which were solidified and disposed of by START as solid waste under direction of the King County Solid Waste Division.

2. Contribution to Remedial Performance

Not applicable.

3. ARARs

Removal actions conducted under CERCLA are required to attain Applicable or Relevant and Appropriate Requirements under federal or state environment or facility siting laws, to the extent practicable. In determining whether compliance with ARARs is practicable, the EPA may consider the scope of the removal action and the urgency of the situation. The scope of the removal action proposed in this Action Memorandum was limited, and there were no federal or state ARARs deemed practicable at the time of the emergency removal action.

4. Project Schedule

The emergency response action was conducted on May 2, 2012.

C. Estimated Costs*

Extramural Contractor costs (START staff, travel, equipment)	\$8,000
Other Extramural Costs (Strike Team, other Federal Agencies)	\$0.00
Contingency costs (20% of subtotal)	\$1,600
Total Removal Project Ceiling	\$9,600

*EPA direct and indirect costs, although cost recoverable, do not count toward the Removal Ceiling for this removal action.

V. **Expected Change in the Situation Should Action Be Delayed or Not Taken**

A delay in action or no action at McCuthchen Site would have increased the actual or potential threats to the public health and/or the environment.

VII. **Outstanding Policy Issues**

None.

VII. **Approvals**

This decision documents removal action for this Site, developed in accordance with CERCLA as amended, and is consistent with the National Oil and Hazardous Substances Pollution Contingency Plan This decision is based on the administrative record for the Site.

Conditions at the site meet the NCP section 300.415(b) criteria for a removal action and through this document, and I approved the removal action described herein. The total project ceiling is \$9,600 and none of this amount came from the Regional removal allowance



Angelica Zavala
On Scene Coordinator

6/19/2012
Date